

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WAYMON BURTON REED

V.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

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CIVIL ACTION NO. 4:23CV110
JUDGE MAZZANT/JUDGE JOHNSON

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 9, 2024, the report of the Magistrate Judge (the “Report”) (Dkt. #14) was entered containing proposed findings of fact and recommendations that National Aeronautics and Space Administration’s (“NASA”) Motion to Dismiss (the “Motion to Dismiss”) (Dkt. #6) be granted. The Report (Dkt. #14) further recommended that Plaintiff Waymon Burton Reed’s (“Reed”) claim for mandamus against NASA be dismissed with prejudice and that any other purported claim asserted by Reed against NASA be dismissed without prejudice. On January 25, 2024, Reed filed Objections (Dkt. #15) to the Report.

The Court has conducted a *de novo* review of the Objections (Dkt. #15) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the Objections (Dkt. #15) are without merit as to the ultimate findings of the Magistrate Judge. Accordingly, Reed’s Objections (Dkt. #15) are **OVERRULED** and the Magistrate Judge’s Report (Dkt. #14) is **ADOPTED** as the findings and conclusions of the Court.

IT IS ORDERED that the Motion to Dismiss (Dkt. #6) is hereby **GRANTED**.

IT IS FURTHER ORDERED that Reed's claim for mandamus against NASA is **DISMISSED WITH PREJUDICE** and any other purported claim asserted by Reed against NASA is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 19th day of March, 2024.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE